

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DOMINGO COLON MONTAÑEZ,

Petitioner,

v.

JEROME M. WALSH, Supervisor,

Respondent.

CIVIL ACTION NO. 3:CV-13-2687

(JUDGE CAPUTO)

(MAGISTRATE JUDGE MEHALCHICK)

ORDER

NOW, this 7th day of January, 2014, **IT IS HEREBY ORDERED** that:

- (1) The Motion to Appoint Counsel (Doc. 5) is **DENIED**.
- (2) The Report and Recommendation (Doc. 4) is **ADOPTED** and the Petition for Writ of Habeas Corpus (Doc. 1) is **DISMISSED without prejudice** to any right Petitioner has to seek authorization from the United States Court of Appeals for the Third Circuit to file a second or successive petition.
- (3) A Certificate of Appealability **SHALL NOT ISSUE**.
- (4) The Clerk of Court is directed to mark the case as **CLOSED**.

/s/ A. Richard Caputo
A. Richard Caputo
United States District Judge